



June 23, 1999

Mr. Robert A. Schulman  
Schwartz & Eichelbaum, P.C.  
700 N. St. Mary's, Suite 1850  
San Antonio, Texas 78205

OR99-1754

Dear Mr. Schulman:

You have asked whether certain information is subject to required public disclosure under the Public Information Act, chapter 552 of the Government Code. Your request was assigned ID# 127005.


Medina Valley Independent School District (the "district") received a request for information about a search of school property by a drug dog. You assert that certain submitted information is protected from disclosure pursuant to Family Educational Rights and Privacy Act ("FERPA"), title 20 of the United States Code, section 1232g and sections 552.026, 552.114, and 552.101 of the Public Information Act. We note initially that some of the submitted information is confidential under section 552.130 of the Government Code. vehicle license tags and vehicle identification numbers are protected from disclosure under section 552.130. We also note that the district may withhold from disclosure information that is protected by FERPA without the necessity of requesting a decision from this office. Open Records Decision No. 634 (1995). However, as you have sought a decision from this office, we will address your arguments against disclosure of the information at issue that is not otherwise protected from disclosure under section 552.130 of the Government Code.

Section 552.026 of the Government Code excepts from disclosure educational records unless released in conformity with FERPA. FERPA provides that federal funding shall not be made available to "any educational agency or institution which has a policy or practice of permitting the release of educational records" of students without the written consent of the parents of a minor student. 20 U.S.C. § 1232g(b)(1). Education records are those records that "contain information directly related to a student and are maintained by an educational agency or institution." *Id.* § 1232g(a)(4)(A). Generally, only information which would serve

to identify students is excepted from disclosure under FERPA. Open Records Decision No. 332 (1982) at 3. If the parking spots listed are assigned to particular students, we agree that the parking spot numbers are protected from disclosure under FERPA. However, the other information at issue is not personally identifying as to students and must be released.

We are resolving this matter with this informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the ~~facts~~ presented to us in this request and may not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ruth H. Soucy', with a stylized flourish at the end.

Ruth H. Soucy  
Assistant Attorney General  
Open Records Division

RHS/ch

Ref: ID# 127005

Encl: Submitted documents

cc: Ms. Kathleen Bachus  
Burris Publishing  
413 London Street  
Castroville, Texas 78009  
(w/o enclosures)